



**Department
of State**

**2022 ANNUAL REPORT:
ADMINISTRATION OF THE HEARING AID DISPENSERS ACT**

***PURSUANT TO SUBDIVISION 7 OF SECTION 803 OF THE GENERAL
BUSINESS LAW***

**FOR SUBMISSION TO THE GOVERNOR, TEMPORARY PRESIDENT
OF THE SENATE, SPEAKER OF THE ASSEMBLY, MINORITY LEADER
OF THE SENATE, MINORITY LEADER OF THE ASSEMBLY, CHAIR
OF THE SENATE FINANCE COMMITTEE AND CHAIR OF THE
ASSEMBLY WAYS & MEANS COMMITTEE**

January 31, 2023

**Kathy Hochul
Governor**

**Robert J. Rodriguez
Secretary of State**

INTRODUCTION

In compliance with subdivision 7 of section 803 of the General Business Law (the “GBL”), the Department of State (the “Department”) respectfully submits this report regarding its regulation of hearing aid dispensers. This report covers the period from January 1, 2022 through December 31, 2022.

COMPLIANCE WITH ARTICLE 37-A OF THE GENERAL BUSINESS LAW

A. Department of State

During the reporting period, and in accordance with Article 37-A of the General Business Law, the Department of State reviewed and processed license applications, reviewed and revised the hearing aid dispensing written examination, investigated consumer complaints, and conducted audits for compliance with continuing education requirements. In 2022, the Department issued 953 hearing aid dispenser licenses — 246 new and 707 renewals — and 491 hearing aid dispenser business licenses — 107 new and 384 renewals.

B. NYS Hearing Aid Dispensing Advisory Board

In accordance with Article 37-A of the General Business Law the NYS Hearing Aid Dispensing Advisory Board (the “Board”) scheduled public meetings to make recommendations to the Department of State regarding consumer education on proposed federal regulations for over-the-counter hearing aids.

Hearing Aid Dispensers

Hearing aid dispensers and hearing aid dispensing businesses licensed by the NYS Department of State qualified for licensure by complying with the educational, experience and examination requirements set forth in Article 37-A of the General Business Law.

Hearing aid dispensers are required to comply with statutory continuing education requirements. During the reporting period, the Department of State conducted audits to ensure compliance with these requirements. Those who failed to complete the required continuing education were disciplined administratively by the Department of State.

ACTIONS TAKEN IN RESPONSE TO BOARD RECOMMENDATIONS

The NYS Hearing Aid Dispensing Advisory Board made a recommendation to the Department of State to develop educational information relating to federal regulations for over-the-counter hearing aids. The Department will develop materials to clarify and educate the public on the newly adopted federal regulations.

SUMMARY OF THE RESULTS OF COMPLIANCE EFFORTS

In 2022, the Department of State audited 121 hearing aid dispensers for compliance with continuing education requirements. Of those audited 101 were in compliance, 15 were not in compliance and 5 are pending review.

The Department of State also investigated complaints from consumers. During the reporting period, the Department received three (3) complaints. One complaint was closed and two (2) remain open pending investigation.

ANTICIPATED EFFORTS TO IMPROVE PUBLIC EDUCATION

The Department of State will continue to distribute updated educational brochures including information on over-the-counter hearing aids. These materials serve to inform and educate consumers about the benefits of various assisted listening technologies.

ANTICIPATED COMPLIANCE AND ENFORCEMENT EFFORTS

The Department of State will continue to conduct audits to ensure compliance with continuing education requirements. It will, similarly, continue to investigate consumer complaints alleging misconduct by licensed hearing aid dispensers and, when warranted, impose disciplinary sanctions against those found to have violated the statute and/or regulations.

RECOMMENDATIONS TO AMEND ARTICLE 37-A

The Department is continuing to review recent federal regulations, permitting the sale of over-the-counter hearing aids, and will suggest future statutory and regulatory changes to conform to these standards. In consideration of the new federal regulations the Department will likely recommend, among other things, to repeal the advisory board.